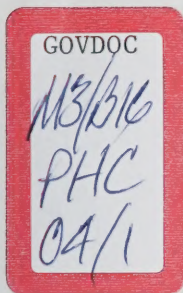


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**INFLUENZA VACCINE PRIORITIZATION AND INFECTION CONTROL**

**Adopted October 12, 2004**

WHEREAS: The influenza season in the United States occurs annually from approximately November through March;

WHEREAS: Influenza causes approximately 36,000 deaths annually in the United States;

WHEREAS: Certain segments of society including; children, the elderly, persons with chronic medical conditions, pregnant women, nursing home and other long term care facility residents, children on aspirin therapy, healthcare workers with direct patient contact and out of home caregivers and household contacts of children under 6 months, are particularly vulnerable to serious illness and possible death if they are infected with influenza, or may transmit infection to those who are at most risk of severe illness;

WHEREAS: The Commission has been advised by the United States Center for Disease Control and Prevention that the availability of influenza vaccine will be greatly reduced this year;

WHEREAS: Due to the shortage of vaccine, it is of critical importance that healthcare providers follow the guidelines of the Centers for Disease Control and Prevention and do not immunize people at low risk of severe illness from influenza themselves or of passing the infection on to those at highest risk of severe disease from influenza;

WHEREAS: In the absence of vaccination, it is of critical importance that healthcare facilities and providers follow proper infection control practices to minimize the potential spread of influenza;

NOW THEREFORE, the Boston Public Health Commission has determined that the shortage of influenza vaccine in the City of Boston constitutes an imminent threat to the public health and that immediate action is necessary in order to safeguard the public. Therefore, the Boston Public Health Commission enacts the following emergency regulation, to be adopted immediately for the express purpose of protecting the public health from an infectious disease dangerous to the public health.

**I. Definitions**

**Health Care Provider.** Any doctor of medicine, osteopathy, or dental science, or a registered nurse, social worker, doctor of chiropractic, or



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psychologist licensed under the provisions of chapter one hundred and twelve, or an intern, or a resident, fellow, or medical officer licensed under section nine of said chapter one hundred and twelve, or a hospital, clinic or nursing home licensed under the provisions of chapter one hundred and eleven and its agents and employees, or a public hospital and its agents and employees.

**Health Care Facility.** Any hospital, clinic, community health center, dispensary, institute, occupational health clinic operated by an employer to provide health care or vaccinations to employees, nursing homes, chronic care facilities, student health services, pharmacies or other entity however organized, whether conducted for profit or not for profit, which is advertised, announced, established, or maintained for the purpose of providing medical, surgical, dental, physical rehabilitation, or mental health services.

## **II. Guidelines**

The Executive Director of the Boston Public Health Commission shall issue guidelines for the implementation of this regulation.

## **III. Duty to Report Vaccine Doses**

All Health Care Facilities shall report to the Boston Public Health Commission within ten (10) days the following information:

- a. The number and type, by make and manufacturer, of vaccine doses that they have on hand;
- b. Number of influenza vaccine doses administered in the past 30 days; and,
- c. The number and type, by make and manufacturer, of any influenza vaccine ordered but not received.

All Health Care Facilities shall be under a continuing obligation during the duration of this regulation to immediately report the receipt of additional influenza vaccine to the Boston Public Health Commission.

## **IV. Vaccination Priorities and Excess Vaccine**

1. That all Health Care Facilities and Health Care Providers only vaccinate those persons in the high priority groups for vaccination, as identified by the Centers for Disease Control and Prevention.
2. If Health Care Facility or Health Care Provider has influenza vaccine doses in excess of what it needs to vaccinate persons in high priority groups, the Health Care Facility or Health Care Provider shall immediately notify the Boston Public Health Commission to discuss the



redistribution of the excess vaccine or the purchase of the excess vaccine by the Boston Public Health Commission.

**V. Healthcare Facility Infection Control**

All Health Care Facilities shall follow the infection control guidelines issued by the Boston Public Health Commission. Such guidelines shall be issued by the Executive Director within 10 days of the effective date of this regulation.

**VI. VII. Enforcement**

1. Authority to enforce this regulation shall be held by the Boston Public Health Commission, its subsidiary programs or designees and the City of Boston Police Department.
2. Any violation of this regulation may be enforced in the manner provided in M.G.L. c.111 §187, by the Boston Public Health Commission, its subsidiary programs or designees.

**VII. Severability**

If any provision, clause, sentence, paragraph or word of this regulation or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this regulation are declared severable.

**VIII. Effective Date**

This regulation shall take effect October 12, 2004.

**IX. Duration of Regulation**

This emergency regulation shall remain in effect for a period of six months or until such other time as may be determined by the Board of the Boston Public Health Commission or until such time as the regulation or any particular part thereof shall be superseded by any public health order issued by the Department of Public Health for the Commonwealth of Massachusetts.

